IN THE COUNTY COURT OF VICTORIA
AT MELBOURNE
CRIMINAL DIVISION

Revised
Not Restricted
Suitable for Publication

CR-21-01556

DIRECTOR OF PUBLIC PROSECUTIONS

v

SCOTT HINES

JUDGE:	HIS HONOUR JUDGE WRAIGHT
WHERE HELD:	Melbourne
DATE OF HEARING:	20 June 2022
DATE OF SENTENCE:	29 June 2022
CASE MAY BE CITED AS:	DPP v Hines
MEDIUM NEUTRAL CITATION:	[2022] VCC 1028

REASONS FOR SENTENCE

Subject:	CRIMINAL LAW – Sentencing.
Catchwords:	Plea of guilty – Obtaining financial advantage by deception - Delay – Extra curial punishment – Positive prospects of rehabilitation – COVID-19 pandemic.
Legislation Cited:	*Crimes Act 1958* s 82(1); *Sentencing Act 1991* s 6AAA.
Cases Cited:	*Worboyes v The Queen* [2021] VSCA 169.
Sentence:	Imprisonment for a period of 3 years and 5 months with a non-parole period of 2 years.

APPEARANCES:	Counsel	Solicitors
For the Director of Public Prosecutions	Ms C Duckett	Office of Public Prosecutions
For the Accused	Mr I Hill QC with Mr M Allen (Plea) Mr T McLaughlin (Sentence)	Duxton Hill

HIS HONOUR:

Introduction

1 Scott William Hines, you have pleaded guilty to three charges of obtaining a financial advantage by deception, contrary to s 82(1) of the *Crimes Act 1958*, which carries a maximum penalty of 10 years imprisonment on each charge.

2 You have no prior criminal history.

Circumstances of the offending

3 A prosecution opening was tendered on plea and may be summarised as follows:

4 At the time of alleged offending you were living in Mildura.

5 You had been employed as a financial advisor for Westpac Bank in Darwin where you worked for a number of years before moving to Mildura to take up a position as Financial Advisor with Australia and New Zealand Bank (ANZ) in early 2009.

6 You are recorded at Australian Securities & Investments Commission (ASIC) as being a former Director of the following companies that are all deregistered:

a) Director of Pure Alpha Future Fund Pty Ltd;

b) Director of Capital Management Solutions Australia Pty Ltd; and

c) Director of Red Tiger Asset Management Pty Ltd.

7 In 2008 you applied for a position with ANZ at Mildura as a Financial Advisor. On 22 December 2008, ANZ sent you an employment contract advising you that you had been successful in obtaining the position with ANZ Mildura branch. The contract set out your terms and conditions with a salary of approximately $80,000 per annum.

8 ANZ provided you with a number of documents including:

a) Direct Equities outlining the rules and regulations of ANZ Financial Advisors operating under ANZ Australia Financial Service Licence;

b) Code of Conduct and Ethics setting out policy and guidelines by which ANZ employees must abide;

c) Practising Certificate Application Guideline listing 13 questions in relation to you being known by any other name or convicted of any fraud including;

9 Question 6 - 'Have you carried on any business under any names other than the names shown on this application'

10 To which you answered 'No' in clear breach of the 3 proprietary companies set out in paragraph 6 above; and

d) Conflict and Securities trading requirements setting out rules and regulations regarding conflicts of interest whilst employed as a Financial Advisor with ANZ.

11 On 14 November 2011, a complaint was raised with ANZ in relation to you being in breach of your employment contract with ANZ as you were providing financial advice through your company Red Tiger Asset Management Pty Ltd. This related to a complaint made by ANZ customer, Mr Elder, about a $60,000 investment.

12 On 13 February 2012, ANZ Bank suspended you so further enquiries could be conducted in relation to Red Tiger Asset Management Pty Ltd.

13 On 28 March 2012, your employment with ANZ was terminated for serious misconduct in relation to breaching your employment obligations and the terms of your appointment by ANZ.

14 It is unknown what employment you were involved in since 2014 as your last tax return lodged was for the income year 2012/2013. In that tax return you declared

your income as $10,710 from Personal Management Services. You have never lodged any ATO returns for your business Red Tiger Asset Management Pty Ltd.

15 For the year 2013, your spouse, Melissa La Rosa, declared her income as $40,039 and for the year 2012 she declared her income as $39,635.

16 Enquiries made with a number of financial institutions identified a number of bank accounts held by you, your business and with your wife, Melissa La Rosa.

17 The complainant in this matter, Mary Russo[1], was born in 1955 in Western Australia and was living in Mildura at the time of the offending.

18 At the time of the offending, Ms Russo was separated from her husband and is the mother of four children. Ms Russo was and is the full time carer of her daughter who suffers from severe cerebral palsy, epilepsy, microcephaly and other medical conditions. Her daughter is non-verbal and requires full time care preventing Ms Russo from engaging in paid employment.

19 In 1996, Ms Russo moved to Mildura with her four children.

20 In 2009, Ms Russo inherited approximately $1,000,000 from her late father. The funds were held in her Commonwealth Bank Account. Ms Russo and her sister also inherited three units in Western Australia.

21 Ms Russo also inherited a separate property. This property was managed by a number of real estate agents including Investors Edge Real Estate. You listed yourself as the first point of contact. The income generally covered the expenses leaving Ms Russo a small income each year.

22 On 22 June 2010, you completed an ANZ Financial Plan for Ms Russo containing her personal information, income, assets, financial needs and objectives and charged her $2,200.

[1] A pseudonym.

23 On 22 July 2010, you met with Ms Russo and she signed the financial agreement that had been compiled by you.

24 On 6 August 2010, you completed an ANZ Financial Plan that was restricted to Post Retirement Planning for the use of Ms Russo's superannuation funds held by ANZ One Answer Personal super fund. You charged a further $4,680 fee for completing this plan along with an ongoing annual fee of $4,680 for the management of the plan.

25 The plan involved placing $600,000 into ANZ One Answer Personal super fund so as to generate approximately $36,000 income from which Ms Russo would pay approximately $12,762 per annum in essential expenses.

26 A further $400,000 was to be placed in a term deposit (earmarked for future family trust). The indicative annual cash flow and net worth was estimated at $418,000 in the first year and then increasing to $544,345 in 2017. This never occurred.

27 As part of the Financial Plan, a number of direct debits were set up on behalf of Ms Russo to make a number of monthly direct debits from her ANZ Premium Cash Management Cheque Account to cover general expenses such as energy bills and council rates.

28 On 6 May 2010, Ms Russo transferred $1,000,000 from her CBA Account into her ANZ Account number ending 691.

29 On 07 May 2010, you then transferred $990,000 from that account to Ms Russo's ANZ account number ending 591.

30 On 12 May 2010, you transferred $1,000,000 from Ms Russo's ANZ account number ending 591 with the funds going to three ANZ term deposits that had been set up in her name as follows:

31 a) ANZ Account number ending 199 - $450,000;

32 b) ANZ Account number ending 575 - $150,000; and

33 c) ANZ Account number ending 623 - $400,000.

34 On 21 June 2010, the $150,000 term deposit was closed with $151,111.64 being transferred to ANZ Vanguard Personal Super as set up in Ms Russo's name.

35 On 16 June 2010, the $450,000 term deposit was closed with $454,115.31 being transferred to ANZ Vanguard Personal Super as set up in Ms Russo's name which had a member number ending in 923.

36 On 13 August 2010, you arranged on behalf of Ms Russo for the transfer of $600,000 from that ANZ Vanguard Personal Super to be withdrawn and $300,000 placed into an ANZ allocated pension with member number ending in 902 and $299,000 placed into an ANZ allocated pension with member number ending in 824 for Ms Russo.

37 On 2 April 2012, you updated Ms Russo's One Answer super address from her Mildura address to PO Box 10385 Mildura.

38 *Charge 1 – Obtain Financial Advantage by Deception $100,000*

39 On 15 March 2011, you transferred $400,213.48 from Ms Russo's ANZ term deposit account number ending 623 into her ANZ Account number ending 701.

40 On 20 July 2011, you transferred $100,000 from Ms Russo's ANZ Account number ending 701 to Ms Russo's ANZ Account number ending 591.

41 On 20 July 2011, $100,000 was withdrawn from Ms Russo's ANZ Account number ending 591 and used to purchase a Westpac Bank Cheque number 588438 at the ANZ Swan Hill Branch.

42 Analysis of your ANZ corporate card revealed a number of purchases at Swan Hill on 20 July 2011.

43 On 26 February 2020, Detective Senior Constable Milne and other members from the Victoria Police Fraud and Extortion Squad executed a search warrant at your residence and located a document dated 1 July 2011 purportedly from Ms Russo to you regarding the purchase of $100,000 of shares by Austock into a company GOA which became Crater Gold Mining Limited.

44 Ms Russo never discussed, signed for or authorised the purchase of shares with you and has never attended the ANZ branch in Swan Hill. Further, enquiries with Link Market Services revealed Ms Russo had no holding in Crater Gold Mining Limited. It is these facts that relate to Charge 1 – obtain financial advantage by deception in the amount of $100,000.

45 *Charge 2 – Obtain Financial Advantage by Deception $230,000*

46 On 7 October 2011, you accessed Ms Russo's ANZ Account number ending 701 and transferred $230,000 to Ms Russo's ANZ Account number ending 591. You then transferred $230,000 to ANZ customer Ms Foster's ANZ Account number ending 477. You forged Ms Russo's signature on the transfer slip and wrote, 'Investment settlement'. The transaction was conducted at the ANZ Bank in Mildura.

47 In 2010, Ms Foster had moved from Alice Springs to Mildura.

48 In early 2011, Ms Foster had attended the ANZ Bank located at Deakin Ave, Mildura for assistance with managing her superannuation. She also sought funds of $230,000 for the purchase of a property in Nichols Point but was unable to obtain a loan with ANZ until the sale of her Alice Springs property had been completed.

49 You were assigned as her financial planner and told her short term finance could be arranged through a company called 'Red Tiger Asset Management' that you were the Director/Secretary of but that it was to be a 'confidential arrangement' and she was 'not to discuss the loan with other staff at ANZ'. It was agreed to be

a three-month loan with a principal value of $230,000 and additional interest at the completion of the three months.

50 The purchase of the property by Ms Foster was handled by Adrian Kidd Solicitors, Mildura on behalf of you.

51 On 6 October 2011, Ms Foster signed the loan offer between herself and Red Tiger Asset Management Pty Ltd.

52 On 7 October 2011, Ms Foster signed a Confidentiality Agreement (Non-Disclosure) with you and Red Tiger Asset Management Pty Ltd in relation to that loan agreement.

53 You breached your employment agreement with ANZ and did not advise Ms Russo that part of her term deposit was being transferred to a total stranger, Ms Foster.

54 You wrote the Withdrawal slip/Credit slip and it was processed 7 October 2011 at 1320 PM.

55 On 4 November 2011, you sent Ms Foster an invoice for interest on that loan that was 10.35 % and a further interest invoice dated 13 February 2012.

56 On 9 March 2012, Ms Foster repaid you $236,990.85 at the Bank of Melbourne Mildura branch by way of a transfer to Red Tiger Asset Management Account number 115-908- 46533-0958 as per her signed contract agreement.

57 Analysis of Red Tiger Asset Management St George Account number 115-908-46533-0958 confirmed that on 7 March 2012 an account balance of $3,332.94 followed by the $236,990.85 credit on 9 March 2012.

58 You have never repaid Ms Russo the $230,000 you unlawfully withdrew from her term deposit account. It is these facts that relate to Charge 2 – obtain financial advantage by deception in the amount of $230,000.

59 Further analysis of the Red Tiger Asset Management St George Account number 115-908-46533-0958 revealed a number of unauthorised payments:

a) 26 June 2014 $1,797.27 payment to Doogue O'Brien George Lawyers;

b) 26 June 2014 $3,000 payment to Doogue O'Brien George Lawyers; and

c) 8 September 2014 $69,960 cheque that went to ANZ to settle the original Mr Elder $60,000.00 complaint and one of the reason's your employment with ANZ was terminated.

60 On 28 March 2012, your employment with ANZ was terminated.

61 On 3 April 2012, you opened PO Box 10385 Mildura at the Mildura Post Office even though you had a 10 year lease on PO Box 10110 Mildura from 21 December 2008.

62 On 4 April 2012, you opened the following St George Accounts in Ms Russo's name:

a) Ending 808 a Complete Freedom Account;

b) Ending 841 an Investment Cash Account;

c) Ending 489 an Investment Cash Account; and

d) Ending 405 an Investment Cash Account.

63 The address for each of those St George Bank Accounts was the Post Office Box 10385 Mildura you had set up. Ms Russo had no knowledge of this Post Office Box.

64 On or about 12 April 2012, you updated Ms Russo's ANZ Bank account details from her Mildura address to PO Box 10385 Mildura and used it until 2018.

65 The same month, you advised Ms Russo that you were closing all of her ANZ Bank accounts and moving them to St George as you no longer worked for ANZ and intended to pursue your own financial planning business. You told her not to speak to anyone from ANZ if they contacted her or tell them you had spoken to her.

66 From mid-2012 until 5 March 2018, you had full control of Ms Russo's incoming mail, internet banking for all her bank accounts as held with the ANZ Bank, St George Bank, Bank of Melbourne as well as all correspondence with Ms Russo's family.

67 On 31 March 2010, Ms Russo had opened an ANZ Access Advantage Cheque account number ending 691.

68 On 21 April 2010, Ms Russo was issued with an ANZ debit card ending 083 connected to that ANZ Cheque account and she used the card for general day to day shopping at her local IGA.

69 When you informed Ms Russo you were closing all her ANZ Accounts and transferring all her banking to St George Bank she commenced using a St George Bank visa debit card and ceased using the ANZ debit card.

70 This ANZ Cheque account remained open and you used internet banking to transfer funds between these various ANZ accounts. Her fortnightly Centrelink Carers payment was initially credited to this account after which it was transferred to her ANZ account number ending 591 via Internet banking. Ms Russo stated she never used internet banking as she had no means of doing so.

71 On 15 March 2013, a new ANZ card number ending 083 was issued and sent to PO Box 10385 where you collected and activated it.

72 Ms Russo has never received this ANZ debit card or authorised any transactions from 14 May 2012. You used the card to make small purchases typically under $100 to ensure the pay pass could be used rather than the pin code.

73 In March 2013, Ms Russo and her sister sold one of the units in Western Australia for approximately $380,000. Ms Russo received her 50% share of $189,794.26 via a EFT into her St George Bank Account number ending 405.

74 Ms Russo maintained possession of another unit in Western Australia during the period of offending by you. This property was also managed by a number of real estate agents including Investors Edge Real Estate. You listed yourself as the first point of contact. The income generally covered the expenses leaving Ms Russo a small income each year.

75 In 2014, Ms Russo received $51,207.74 to finalise the estate of her late father. The cheque was intercepted and paid by you into Ms Russo's St George Account number ending 667.

76 *Charge 3 – Obtain Financial Advantage by Deception $33,581.47 (Rolled up charge)*

77 Enquiries with Bunnings revealed you held a trading account number 243330873 that was opened on 21 September 2017 under the trading name of Department of Defence.

78 Charge 3 is put on the basis of a course of conduct in that you used Ms Russo's debit card number ending 083 between 16 December 2016 to 22 February 2018 at Bunnings Mildura to make approximately 217 unauthorised transactions valued at approximately $10,701.08.

79 In addition to the 217 transactions at Bunnings, there are also an additional 200 unauthorised individual transactions which occurred at various retail stores as detailed in the prosecution opening totalling $18,819.05. The unauthorised

transactions are contained in an Appendix A attached to the indictment. The prosecution opening also details further specific transactions where you used Ms Russo's ANZ account to pay for council rates and energy bills related to your property.

80 Ms Russo's everyday spending can be seen on St George Bank Statements through the period of offending by you on the ANZ accounts, which you advised her were closed.

81 On 30 August 2017, you forged Ms Russo's signature on a withdrawal form requesting $30,000 be withdrawn from Ms Russo's OnePath Life Ltd pension account.

82 On 15 September 2017, $30,000, was credited to Ms Russo's ANZ Account number ending 691 with reference OnePath Life Ltd 6671902 WTHDWL.

83 *Search Warrant – Mildura*

84 On 9 August 2018, Ms Russo made an initial official complaint about you to Detective Senior Constable O'Neil from Mildura Crime Investigation Unit.

85 On 26 February 2020, Detective Sergeant Tim Kennedy, Detective Senior Constables Danielle Milne, John Cheyne and Ben Fraser from the Victoria Police Fraud and Extortion Squad executed a search warrant at your address in Mildura.

86 Detective Sergeant Tim Kennedy spoke with you via telephone and having obtained legal advice, you exercised your rights and declined the opportunity to participate in a record of interview.

87 The execution of the search warrant located a number of documents relating to Mary Russo, two of her children, and Ms Foster as detailed in the prosecution opening.

88 During the offending, you made yourself an executor of Ms Russo's last will and testament purportedly signed by Ms Russo on 20 February 2012.

89 You were also given the benefit of $273,048.53 which relates to expenses associated to Ms Russo, her two rental properties in Western Australia and repairs to her primary residence in Mildura.

90 You also had access to Ms Russo's Centrelink payments, her daughter's Bendigo and Adelaide funds as well as $350.00 per fortnight of her pension which are not included in the alleged fraudulently obtained funds.

Nature and gravity of the offending

91 The total amount of funds obtained by you by deception from the victim across Charges 1, 2 and 3 totals $363,581.47. On that basis alone, your offending is undoubtedly very serious. However, in order to fully assess the gravity of your offending, the surrounding circumstances must be taken into account.

92 At the time Ms Russo met you, you were working as a financial planner with ANZ Bank. She was a single mother caring for four children, one of whom suffered significant disability and required her full time care. Ms Russo was a vulnerable person with limited financial knowledge of investments and trusted you to act in her best interest. You commenced a formal Financial Plan with Ms Russo in mid-2010 and over the next year, you set up a number of accounts in her name and moved a considerable amount of funds between her accounts. The offending, represented by Charges 1 and 2, occurred a year after you commenced the financial relationship with Ms Russo.

93 In relation to Charge 1, other than a number of purchases made on your own credit card on the same day, and the finding of a document in your possession purportedly from Ms Russo to you regarding the purchase of $100,000 worth of shares, the money taken was not able to be traced with any certainty.

94 As to the $230,000 represented by Charge 2, after taking the money from the victim, you temporarily loaned it to another person charging that person some $36,000 in interest. Later, other unauthorised large sums of money were withdrawn from your Red Tiger business account. For example, the payment to a law firm for legal fees together with a payment to an ex client, in relation to settling another fraudulent transaction allegedly committed by you as described above.

95 In relation to both Charges 1 and 2, how the remainder of the money was spent by you is unknown, other than a submission made at the plea that you speculated on risky investments.

96 Charge 3 relates to offending by you over a five year period where the victim's money was audaciously used by you for your general living expenses, represented by hundreds of transactions. While the total amount of the victim's money used by you is less than Charges 1 and 2, Charge 3 represents the extent to which you had controlled and manipulated the victim's accounts to the point where her money became yours.

97 Your offending against the one victim persisted over almost seven years and clearly involved a degree of planning by you in order to manipulate the victims finances in circumstances where she trusted you with managing significant amounts of her money. Further, no attempts have been made by you to repay any of the money you took from the victim. You took advantage of a vulnerable person and in the circumstances, in my view, your offending can only be described as a very serious example of obtaining financial advantage by deception and your moral culpability is high.

98 **Victim impact**

99 Mary Russo prepared victim impact statement that was tendered on the plea. Ms Russo describes how she came to engage you, and trusted you, to look after her

finances as her focus was on caring for her severely disabled daughter. Upon being informed that you had taken her money, Ms Russo describes being physically and emotionally drained and that she still finds it very difficult to cope with the impact your offending has had on her mental health. Ms Russo did not attend the plea hearing and I was told that she also was unable to listen to the hearing remotely as she is still very emotionally fragile as a result of the fraud.

Personal circumstances

100 You are currently 41 years of age. You grew up in Mildura and had one brother, who died in infancy. Your father worked as a plumber and was a heavy drinker. Your mother worked as a teacher. As a child, you suffered from asthma and you were prone to sickness. Your upbringing was otherwise characterised as generally stable and unremarkable. In May 2022, your father died, and you continue to maintain a strong relationship with your mother.

101 You attended local schools in Mildura where you experienced bullying during your primary and secondary years. You completed your Victorian Certificate of Education in 1999 and you have completed several TAFE and other courses since leaving school. In addition, you have completed training courses as part of your service in the Australian Air Force Cadets (‘AAFC’) between August 2011 and May 2022. Your service has been partly voluntary and partly paid, and you were elevated to the rank of Commanding Officer of the Squadron in September 2019 until 4 March 2021 when you were demoted from this position. You were discharged from the AAFC on 7 May 2022. Your demotion and discharge were a consequence of the criminal charges filed against you.

102 You have been employed in constant work since leaving school. In 2003, following the completion of a Diploma in Financial Advertising, you were employed at Westpac Bank as a Financial Advisor, where you remained until 2008. You returned to Mildura in 2009 in order to live closer to your father, who was ill with cancer. You obtained employment with ANZ Bank as a Financial

Advisor, where you remained until your termination in 2012. Between 2012 to 2018 you were self-employed as an independent Financial Advisor, and since 2018 you have worked as a landscaper.

103 Since 2005 you have been in a relationship with Melissa Ann La Rosa. You were married three years ago, and Ms La Rosa remains supportive of you. You have no children, though you and your wife have attempted to conceive using IVF, which has been the cause of great stress and anxiety in your relationship. You currently reside with Ms La Rosa in Mildura.

104 You began to experience poor mental health in 2012 and 2013 as a result of your termination from ANZ Bank. In 2013, you sought help from your General Practitioner and you were prescribed Serepax for anxiety. You have also briefly received counselling in 2014 from a mental health nurse. In 2018, you consulted your General Practitioner again, who referred you for psychological counselling by way of a mental health care plan. Between March and July 2018, you completed eight sessions with a local psychologist.

105 You have reported heavy drinking in the past, however, at present your drinking is under control. In addition, you report a history of gambling problems, going back as a far as 2008. This gambling involved engaging in speculative, high-risk investments on the financial markets. You report your gambling ceased in 2017.

106 Four character references were tendered at plea, which all refer to the embarrassment and shame you and your family have experienced since you were charged. Your wife, Ms La Rosa, writes that what grieves her the most is that your imprisonment and subsequent financial losses will prevent your attempts as a couple to conceive a child. You mother, Anne Hines, confirms that you have come to terms with your mistake and are open to listen to others and seek help. She also confirms her ongoing support of you.

Sentencing considerations

107 Mr Hill QC, who appeared with Mr Allen at the plea hearing, highlighted a number of matters in mitigation. The first of these is your plea of guilty. There was no contested committal. You agreed to plead guilty to the charges in October 2021 and you were arraigned in this court on 30 November 2021. In the circumstances, you plea has been entered early and as such has saved considerable time and expense. Importantly, you plea has avoided the need for the victim and others to have to give evidence. Your plea, therefore, has high utilitarian value and demonstrates your willingness to facilitate the course of justice.[2]

108 It was submitted that over and above your plea of guilty you have demonstrated genuine remorse. The source of that submission was the references tendered. However the larger focus of those references seems to be on the affect your crime has had on you and those around you, including the embarrassment you have brought to the family, and the fact that your crimes have disrupted your plans to start a family. There is little reference to the victim of your crimes and the enormous impact on her and her family. While I accept that you may be beginning to gain insight into the impact of your conduct on the victim, in my view, there is little evidence of genuine remorse.

109 Delay is a relevant consideration. The complaint was initially received by police in August 2018 and the last date of offending was 22 February 2018. Charges were not laid until January 2021. Therefore, there has been significant delay in this matter that is not attributable to you. You have, in the intervening period, been of good behaviour and you have commenced work in a field not related to financial services. You have also, in that time, had these proceedings hanging over your head with the associated stresses. I, therefore, take into account the period of delay in your favour.

[2] The plea in this instance carries additional weight as it has been entered during the time of the pandemic which is reflected in a more pronounced amelioration in sentence – see *Worboyes v The Queen* [2021] VSCA 169 at [39].

110 It was submitted that there has been a degree of extra curial punishment as a result of adverse media attention and public opprobrium in your local community. As you live in a rural town you have been more visible as a result of your crimes. Further, you were discharged from your service with the AAFC as a result of your conduct. While your discharge from the AAFC was a likely consequence of your conduct, I accept that this matter together with the adverse publicity, is able to be taken into account as a form of extra curial punishment to a limited degree.

111 As to you prospects of rehabilitation, it seems that you have accepted that you will not work within the financial industry in the future and as such you have commenced a new line of work in landscaping. You have no prior criminal history and you have the ongoing support of your wife and your family. In the circumstances, your prospects are able to assessed positively.

112 As your offending was a prolonged, complex fraud committed in different ways across the three charges, general deterrence and denunciation of your conduct must feature prominently in the sentencing calculus. This type of offending is difficult to detect which is illustrated in this case. Others in your position of trust must be made aware that conduct such as yours will be met with a stern response from the courts. While specific deterrence has some role to play, given you lack of prior criminal history and that you have moved away from the financial industry, in my view, it need only carry limited weight in this instance.

113 It was submitted that the totality principle should lead to a degree of concurrency between the three charges. While I accept that submission, as you employed a different methodology in relation to each of the three charges and that your offending occurred over a long period, in my view, there must some degree of cumulation.

114 Mr Hill and Ms Duckett, who appeared on behalf of the Director of Public Prosecutions, both provided the Court with a number of comparable cases. While

each case must turn on its own facts, I have read those decisions and taken them into account.

115 **Sentence**

116 Mr Hines, would you please stand.

117 Scott William Hines, on Charge 1, obtaining a financial advantage by deception, you are convicted and sentenced to 2 years imprisonment. On Charge 2, obtaining a financial advantage by deception, you are convicted and sentenced to 3 years imprisonment. On Charge 3, obtaining a financial advantage by deception, you are convicted and sentenced to 12 months imprisonment.

118 I direct that 3 months of the sentence of Charge 1 and 2 months of the sentence of Charge 3 be served cumulatively on each other and on Charge 2 making for a total effective sentence of 3 years and 5 months. I direct that you serve 2 years before becoming eligible for parole.

119 Pursuant to s 6AAA of the *Sentencing Act 1991*, if not for your plea of guilty I would have sentenced you to a period of imprisonment of 5 years and 9 months with a non-parole period of 3 years and 6 months.

120 - - -